<u>**REMARKS**</u>

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed July 30, 2009. Claims 1-12, 15-36, and 38 are pending in the Application.

1) Claims 1-12, 15-35, and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma et al. (U.S. Pat. No. 6,766,165, hereinafter Sharma) in view of Heitman et al. (U.S. Pat. No. 6,920,494 hereinafter Heitman) in further view of Ahmed et al. (U.S. Pat. No. 7,158,484, hereinafter Ahmed) in further view of Cooper et al. (U.S. Pat. Publ. No. 2003/0061506, hereinafter Cooper) in further view of Lewis (U.S. Pat. No 5,636,344).

2) Claim 36 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sharma in view of Heitmanin further view of Ahmed in further view of Cooper.

Claims 1, 33, 36, and 38 have been amended and Claims 39-41 have been added herein to further clarify the subject matter which Applicants regard as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the remarks presented herein, reconsideration of the Application is respectfully requested.

In the previous Office Action Response, Applicant amended independent Claims 1, 33, 36, and 38 to recite the limitation of "the wireless network comprises a wireless local area network." Applicant respectfully submits that none of the prior art references – Sharma, Heitman, Ahmed, Cooper, and Lewis – relate to wireless local area networks (WLAN) – WLAN is a term referring to IEEE 802.11-based networks which are not cellular networks (TDMA/CDMA/etc.).

Specifically, Sharma relates to cellular networks (e.g., CDMA). Heitman relates to storage area networks. Ahmed relates to cellular networks (e.g., TDMA). Cooper relates

to layer 3 (TCP) network security. Finally, Lewis relates to a wired message network. None of these references discloses, teaches, or suggests a wireless local area network or WLAN.

In the current Non-Final Office Action, Examiner cites Sharma for teaching the limitation of <u>wherein the wireless network comprises a wireless local area network</u> at Col. 5, lines 55-56 (Non-Final OA, page 3). Applicant respectfully disagrees. Here, all Sharma teaches is that the NMS can route faults over a LAN or WAN link – i.e. LAN being a local area network and WAN being a wide area network. Sharma goes on to define a LAN as "the enterprise data LAN 232 is a corporate data LAN that includes storage and capability for corporate directories, intranet news, electronic mail databases, and other databases" (Sharma, Col. 8, lines 23-26). Sharma defines a WAN as connections via the wireless service providers (Sharma, Col. 8, lines 1-3). This is not a wireless local area network or WLAN as is known in the art. Sharma, on the other hand, specifically teaches CDMA access, not IEEE 802.11.

Additionally, Applicant has other specific WLAN (IEEE 802.11) limitations in the independent Claims. Specifically, Applicant claims collecting information from frames transmitted on the wireless network and identifying relations between wireless access points (APs) and nodes. Examiner relies on Sharma in FIGS. 1-5 and Col. 4, lines 45-55 for identifying relations between wireless access points (APs) and nodes. However, Sharma fails to teach wireless APs, but rather generically managed network assets on a cellular network. This fails to read on Applicant's claim language.

With respect to collecting information from frames transmitted on the wireless network, Examiner is relying on Ahmed at FIGS. 1-11, Col. 2, lines 35-67, and Col. 8, lines 10-63. However, Ahmed clearly states in Col. 2, lines 35-67 that the access medium is CDMA or TDMA, i.e. a cellular wireless network, not a WLAN. Also, Applicant fails to see a wireless sensor in Ahmed. Ahmed utilizes network nodes for sensing – Applicant is using wireless sensors, not wireless base stations.

To further clarify these distinctions, Applicant has amended the independent Claims to recite the monitored frames are <u>wireless local area network</u> frames. Ahmed is clearly teaching monitoring CDMA or TDMA frames, and not <u>wireless local area network</u> frames.

In addition, Applicant is added new Claims 39-41 depending ultimately from the topology mapping method of Claim 1. Applicant respectfully submits that no new fees are required as Applicant had previously canceled three dependent Claims. Claim 39 recites an additional step of determining wireless local area network configured properties for the at least one of the wireless access points from the scan data. As discussed above, none of the references teaches WLAN or IEEE 802.11 networks, so none of the references can read on this limitation. Claim 40 further limits Claim 39 by reciting a list of possible configured properties. Claim 41 recites an additional step of determining MAC addresses on all stations within the at least one of the wireless access points' Basic Service Set.

Accordingly, Applicant respectfully submits the rejections have been traversed, and Applicant respectfully requests withdrawal of all rejections.

<center>CONCLUSION</center>

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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/Lawrence A. Baratta, Jr./
Lawrence A. Baratta, Jr.
Registration No.: 59,553

Attorney for Applicants

CLEMENTS BERNARD
1901 Roxborough Road, Suite 250
Charlotte, NC 28211 USA
Telephone: 704.790.3600
Facsimile: 704.366.9744
lbaratta@worldpatents.com